

Remarks

Claims 5, 6, 10 and 16 are canceled. Claims 1-4, 7-9, 11-15 and 17-20 remain pending in the Application. No new matter has been added.

Rejection under 102(b)

Claims 1-5, 7-8, 11-15 and 17-20

In the Office Action, the Examiner rejected Claims 1-5, 7-8, 11-15, and 17-20 under 35 USC 102(b) as being anticipated by User Guide PocketCAD PRO Version 4.0, May 2001, hereinafter PocketCAD. Applicant has reviewed PocketCAD and respectfully states that PocketCAD does not anticipate the present invention for the following rationale.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” /Verdegaal Bros. v. Union Oil Co. of California/, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... **“The identical invention must be shown in as complete detail as is contained in the ... claim.”** /Richardson v. Suzuki Motor Co./, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

With respect to Independent Claim 1, Applicant respectfully states that Claim 1 includes the features, “a graphical user interface for providing line segment data entry fields, arc data fields comprising a start point field, an end point field, and a radius field and for displaying input line segments and arc data; a processor and memory adapted for accepting, storing, and editing line segment and arc data associated with said input line segments, said editing of said arc data further comprising an arc segmenter for automatically segmenting a previously placed arc into at least two distinct arc segments.”

With respect to Independent Claims 8 and 15, Applicant respectfully states that Claims 8 and 15 includes the feature, “entering a direction for said first line segment; entering a start point for an arc; entering an end point for said arc; entering a radius for

said arc; entering and displaying said line segment and said arc on a display associated with said handheld device; providing a segment editor to automatically parse said arc into a plurality of arc subdivisions.”

Applicant respectfully contends that PocketCAD fails to anticipate each and every element as set forth in the Claim. On page 4, the present Office Action relies on polylines of PocketCAD to anticipate the features of Claim 1 and Claims 8 and 15 respectively. Specifically, “an arc segmenter for automatically segmenting a **previously placed arc** into at least two distinct arc segments” or “a segment editor to automatically parse said arc into a plurality of arc subdivisions” (emphasis added).

In contrast, Applicant understands PocketCAD to define polylines including on page 34 as: “polylines are connected line and arc segments - from a start point until you lift the pen or close the polyline” (emphasis added). Further, on page 51, PocketCAD again clearly defines polylines as, “drawing elements that consist of connected lines or connected arc segments” (emphasis added).

Further, Applicant understands PocketCAD to teach at page 52, “To create a polyline do the following:

1. Pick the Polyline tool. The polyline tools display at the bottom of the PocketCAD PRO window. PocketCAD PRO prompts you, via a message at the bottom of the window, to pick a starting point (P1), and then a vertex (P2).
2. Pick a starting point.
3. Pick the first vertex. The program expects you to draw more than one segment so the “Pick next vertex” message continues to display. The example in Figure 30 shows that the Pick Start and first Vertex points have been picked and the program is waiting for the third vertex” (emphasis added).

Thus, Applicant does not understand PocketCAD to anticipate the features of Claim 1 and Claims 8 and 15 respectively. Specifically, “an arc segmenter for automatically segmenting a **previously placed arc** into at least two distinct arc segments”

or “a segment editor to automatically parse said arc into a plurality of arc subdivisions” (emphasis added).

As such, Applicant respectfully submits that the features of Claims 1, 8 and 15 are not anticipated by PocketCAD. As such, Applicant respectfully submits that the rejection under 102(b) is overcome and that Claims 1, 8 and 15 are allowable.

Accordingly, Applicant also respectfully submits that Claims 3-4 and 7 are dependent on Independent Claim 1, Claim 11 is dependent on Independent Claim 8 and Claim 17 is dependent on Independent Claim 15 and that Claims 3-4, 7, 11 and 17 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 3-4, 7, 11 and 17 are allowable as pending from allowable base Claims.

Rejection under 103(a)

Claims 2, 12-14 and 18-20

The Office Action has rejected Claims 2, 12-14 and 18-20 under 35 USC 103(a) as being unpatentable over PocketCAD as cited above, in view of Thomas et al. (7,103,774) hereinafter “Thomas”. Applicant has reviewed the cited references and respectfully submits that the present invention is not rendered obvious over PocketCAD in view of Thomas for the following rationale.

Applicant respectfully submits that Claim 2 is dependent on Independent Claim 1, Claims 12-14 are dependent on Independent Claim 8 and Claims 18-20 are dependent on Independent Claim 15 and that Claims 2, 12-14 and 18-20 recite further features of the present claimed invention.

Thus, Applicant respectfully submits that Claims 2, 12-14 and 18-20 are not taught or rendered obvious over PocketCAD in view of Thomas under 35 U.S.C. § 103(a) and, in fact, Claims 2, 12-14 and 18-20 are allowable as pending from allowable base Claims.

Moreover, Applicant respectfully agrees with the Office Action on page 6, wherein the Office Action states, “PocketCAD fails to expressly teach storing as a hierarchical sequence, and translating line segments that succeed the selected line segment of said hierarchical sequence without translating line segments that precede the selected line segment in said hierarchical sequence.”

Further, for the reasons provided above and incorporated by reference herein, Applicant respectfully submits that PocketCAD fails to anticipate, teach or render obvious the features of Claim 1 and Claims 8 and 15 respectively. Specifically, “an arc segmenter for automatically segmenting a **previously placed arc** into at least two distinct arc segments” or “a segment editor to automatically parse said arc into a plurality of arc subdivisions” (emphasis added).

In addition, Applicant respectfully submits that the Office Action has not relied upon, and for the reasons provided in the previous response filed on 29 October 2007, Applicant does not understand Thomas to anticipate the features of Claim 1 and Claims 8 and 15 respectively. Specifically, “an arc segmenter for automatically segmenting a **previously placed arc** into at least two distinct arc segments” or “a segment editor to automatically parse said arc into a plurality of arc subdivisions” (emphasis added).

As such, Applicant respectfully submits that Claims 2, 12-14 and 18-20 are not taught or rendered obvious over PocketCAD in view of Thomas under 35 U.S.C. § 103(a).

In addition, Applicant points out that Thomas teaches a method for measuring and establishing plans for an already built structure. Further, Thomas clearly provides numerous measurement articles and devices such as lasers, GPS receivers, etc. that may be used to enter data into the device. However, Thomas does not teach or render obvious the inputting of arc data into the device. This is because the device of Thomas is clearly defined as a device used for determining the layout of an existing structure, not for generating blueprints. For this same reason, Thomas does not teach and would not

render obvious an arc editor which can be used to subdivide an arc that is in the plans on the device.

Since the device of Thomas is receiving actual structural data, e.g., plans, Thomas is not directed toward, nor concerned with, any abstract non-existent plans such as blueprints. Furthermore, since the inputs taught by Thomas are related to actual real world structures, there would be no reason to modify Thomas to include the ability to subdivide an arc within the scope of Thomas. Instead, the suggested combination would detrimentally affect the operations of Thomas as it would add unnecessary and undesired processing costs, data storage, and program complexity. This may result in a significant slowdown of a handheld machine or worse, a program too complex to be utilized on a handheld device.

For each of these reasons, Applicant respectfully submits that Claims 2, 12-14 and 18-20 are not taught or rendered obvious over PocketCAD in view of Thomas under 35 U.S.C. § 103(a).

Claim 9

In the Office Action, the Examiner rejected Claim 9 under 35 USC 103(a) as being unpatentable over PocketCAD and further in view of Minakata et al. (5,568,565). Applicant has reviewed the cited references and respectfully submits that the present invention is not rendered obvious over PocketCAD in view of Minakata et al. for the following rationale.

For the reasons provided above and incorporated by reference herein, Applicant respectfully submits Claim 8 is not taught or rendered obvious and is in condition for allowance. Further, since Claim 9 is dependent from an allowable Independent Claim 8, Applicant respectfully submit that Claim 9 is also in condition for allowance as being dependent on an allowable base Claim and reciting further features of the present claimed invention.


Conclusion

In light of the above remarks, Applicant respectfully requests allowance of Claims 1-4, 7-9, 11-15 and 17-20.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,
Wagner Blecher LLP

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John P. Wagner, Jr.
Reg. No. 35,398

WESTRIDGE BUSINESS PARK
123 WESTRIDGE DRIVE
WATSONVILLE, CALIFORNIA 95076
(408) 377-0500